UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,981	11/11/2003	Hagen Klausmann	OSRMP2002-14-01	2980

26181 7590 06/16/2005

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
RHEE, JANE J	

ART UNIT	PAPER NUMBER
1745	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

W/L

Office Action Summary	Application No.	Applicant(s)	
	10/605,981	KLAUSMANN ET AL.	
	Examiner	Art Unit	
	Jane Rhee	1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 14-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 14-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5/31/2005
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 4/20/2005 has been entered.

Rejections Withdrawn

2. The 112 2nd paragraph of claims 1-20 has been withdrawn due to applicant's amendment filed on 4/20/2005.

New Rejections

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-12,14-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (page 2-4, figure 1) in view of Forrest et al. (US 2003/0117068) and in further view of Brown et al. (US2003/0197197).

Applicant's admitted prior art discloses a device comprising a substrate (figure 1 number 101) having an active region defined thereon (figure 1 number 104,102,106), the active region comprising active components (figure 1 number 104,102,106), the active components including pattern conductors (figure 1 number 104,106); and a getter layer (figure 1 number 114). Applicant's admitted prior art discloses that the active component comprises organic light emitting diode cells (page 2 paragraph 0003 lines 8-9), the OLED cells comprising one or more organic layers (figure 1 number 102, page 2 paragraph 0003 lines 4) sandwiched between lower electrodes (figure 1 number 104) and patterned conductors (figure 1 number 106). Applicant's admitted prior art discloses a cap (figure 1 number 110) mounted to a bonding region (figure 1 number 108) on the substrate to seal the device (figure 1 number 101, page 3 paragraph 0004 lines 4-5). Applicant's admitted prior art discloses that the getter layer (figure 1 number 114) covers the patterned conductors of the active components (figure 1 number 114 and 106). Applicant's admitted prior art discloses that a getter layer (which is the second getter layer as claimed by the applicant in claim 9) lining an inner surface of the cap (figure 1 number 114 and 110). Applicant's admitted prior art discloses support posts to support the cap (figure 1 number 110).

Applicant's admitted prior art fail to disclose a getter layer located in the active region, the getter layer disposed on the active components, wherein the getter layer comprises an alkaline earth metal, aluminum, tantalum or zirconium and is capable of absorbing water and oxygen.

Forrest et al. discloses getter layer located in the active region, the getter layer disposed on the active components (page 5 paragraph 0055) for the purpose of providing an additional measure of protection in the event that reactive gases such as water and oxygen penetrate to the active region through the first and/or second protective layers (page 5 paragraph 0055).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide applicant's admitted prior art with a getter layer located in the active region, the getter layer disposed on the active components and cover the patterned conductors of the active component in order to provide an additional measure of protection in the event that reactive gases such as water and oxygen penetrate to the active region through the first and/or second protective layers (page 5 paragraph 0055) as taught by Forrest et al.

Forrest et al. further discloses that the getter regions can be formed from any getter material that reacts readily with active gases (including water and oxygen), forming stable low vapor pressure chemical compounds so as to remove the active gases from the gas phase (page 5 paragraph 0055).

Brown et al. teaches a getter layer (figure 4 number 118) located in the active region (figure 2 number 116), wherein the getter layer consist essentially of an alkaline earth metal, barium (page 5 paragraph 4 lines 1-3) for the purpose of removing reactive gases such as water and oxygen in the event that they penetrate the sealed package, before these gases have the opportunity to cause damage to the OLED region (page 5, paragraph 3 lines 8-10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Applicant's admitted prior art with a getter layer located in the active region, wherein the getter layer consist essentially of an alkaline earth metal, barium in order to remove reactive gases such as water and oxygen in the event that they penetrate the sealed package, before these gases have the opportunity to cause damage to the OLED region (page 5, paragraph 3 lines 8-10) as taught by Brown et al.

As to claims 2 and 4, applicant's admitted prior art fail to disclose that the substrate comprises flexible substrate for forming a flexible device.

Brown et al. teaches that the substrate comprises flexible substrate for the purpose of rendering the substrates useful for web-based, roll to roll processing (page 6 col. 1 paragraph 3 lines 3-4).

Therefore,it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide applicant's admitted prior art with the substrate that comprises flexible substrate in order to render the substrates useful for web-based, roll to roll processing (page 6 col. 1 paragraph 3 lines 3-4) as taught by Brown et al.

As to claims 8,11,14,17,19,22,24 wherein the getter layer is formed by flash evaporation, product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as the product of the prior art, the claim is unpatentable even though the prior product was made by a

different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985). The burden has been shifted to the applicant to show obvious difference between the claimed product and the prior art product. *In re Marosi*, 218 USPQ 289 (Fed. Cir. 1983).

Response to Arguments

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jane Rhee
June 10,2005

PATRICK JOSEPH RYAN
SUPERVISORY PATENT EXAMINER